

**RECREATION OUTDOORS COALITION**  
**4000 Beacon Drive**  
**Anderson, CA 96007**

February 9, 2009

Travel Management Team  
Six Rivers National Forest  
1330 Bayshore Way  
Eureka, CA 95501

Dear Travel Management Team:

Recreation Outdoors Coalition (ROC) is a non-profit organization created to promote responsible access, multiple use, stewardship, tolerance and safety for those recreating on our public lands. We support local, State and federal land management policies while advocating environmentally sustainable recreation use.

ROC has, in general, been very supportive of route designation. We believe a well designed and managed, sustainable off-highway vehicle (OHV) program is necessary to provide quality riding experiences on the Six Rivers National Forest (SRNF). We hope the comments below will be useful as you identify your significant issues and develop alternatives.

**1) Describe the Current Situation in the Environmental Analysis**

The demand and supply of motorized recreation opportunities on the SRNF should be analyzed. The recent update to Forest Service Handbook (FSH) 7709.55, 21.1 has a good outline of the key items that should be addressed in the environmental analysis for travel management. Items a. through i. under Step 2, #2 for Travel Analysis, can also be used to describe the affected environment and compare the environmental consequences of each alternative.

For example, what is the demand for OHV recreation on the SRNF? How has this use changed over the past 10 years according to your national visitor use monitoring reports (NVUM)? What national forest system (NFS) roads are currently used by operators of non-highway legal vehicles? What are the social impacts from the Pacific Southwest Region's motorized mixed use policy<sup>1</sup> as well as the prohibition of motor vehicle travel on unauthorized routes?

**2) Desired Travel Management Outcomes and the Value of Collaboration**

There are numerous opportunities for scenic access, and loops or connectors using NFS roads and trails and some unauthorized routes. ROC seeks a balance of access with environmental stewardship. These two goals are not mutually exclusive. Our organization has developed a set of "Proven Principles" that will result in good travel

---

<sup>1</sup> Regional Forester's January 13, 2009 letter of direction to the Forest Supervisors

management plans when there is effective collaboration with interested parties (Exhibit 1).

The first principle starts with a “Conceptual Plan” that will satisfy current and projected visitor and agency expectations. This plan can not be developed without interaction with the public, looking at maps and discussing the value of each desired route. As the SRNF prepares the environmental analysis for travel management, we encourage your staff to continue to meet with local OHV users and other interested parties. Present working drafts of your conceptual travel management plan and invite feedback, then modify the plan. Where credible and specific issues warrant limitations to your existing system, the impacts to recreation and public access should be explained and mitigated where possible. With this kind of collaboration, you will engender public trust and have greater support for your preferred alternative.

It would have been helpful to display all your unauthorized routes on your Proposed Action/NOI maps. This would allow the public to see and evaluate all existing roads, trails, and unauthorized routes to develop a good OHV system. Please provide the rationale why some unauthorized routes were dropped from further consideration. Display the rationale for each route in an appendix to the DEIS. Display all unauthorized routes in the map packet with the DEIS. Some of the routes not proposed for designation in any alternative may be desired in the future and a public record of their location is important.

“An open public process can increase understanding about travel management issues and set the stage for successful decision-making.”<sup>2</sup>

### **3) Motorized Mixed Use on Other Public Roads through the Six Rivers National Forest.**

A key objective of travel management planning is: “To coordinate travel planning and analysis on NFS lands with federal, state, county and other local governmental entities and tribal governments and to allow the public to participate in the designation of NFS roads, NFS trails, and areas on NFS lands for motor vehicle use.”<sup>3</sup>

Just as public collaboration is beneficial in the development of good travel management plans, collaboration with other road management agencies is also important. Please include information in the DEIS to inform us if you have consulted with the counties to provide an interconnected transportation system for non-highway legal vehicles using unpaved county roads. If County Boards choose to designate mixed use on their unpaved roads, please review your designations to provide a seamless transportation system for the riding public. It would be imprudent for the Forest Service to prohibit mixed use on NFS passenger car roads if the counties allow it on their roads into and through the Lower Trinity and Mad River Ranger Districts.

---

<sup>2</sup> FSH 7709.55.12 - Step 2: Assemble Resource and Social Data.

<sup>3</sup> Forest Service Manual 7702, Objectives

#### 4) Access Over Private Lands

The lack of a formal or legal road agreement across private ownerships should not eliminate unauthorized routes from designation. The public can still travel on them through NFS land and the landowner may have given users implicit permission to pass if not gated or signed at the private land boundary. Please summarize your discussions with private landowners for proposed routes that cross their ownerships in the DEIS. If forest routes to private land have existed for decades, now is not the time to close them simply because of the private land issue. They may still have value for fire wood collecting, hunting, or other recreation activities. Private landowners can post their property if they wish to restrict public access.

#### 5) Motorized Mixed Use on Unpaved National Forest System Roads.

##### *California Vehicle Code:*

The Pacific Southwest Regional Forester has said all NFS passenger car roads (maintenance level 3-5) are “highways” under the California Vehicle Code (CVC). This conflicts with the December 19, 2007 letter from the California Highway Patrol (CHP). Please note, there is no definition for a “highway” “public highway” or “forest highway” in Forest Service Manual 7700. “Road” is the only term used throughout the FS directive system. By its own manual direction, the Forest Service manages roads, not highways.

Unpaved NFS roads (regardless of maintenance level) are not considered “highways” under CVC 38001, which states: “For the purposes of this division, the term ‘highway’ does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.” CVC 38026 only applies to paved highways (per Tom Bernardo, State Off-highway Motor Vehicle Division, 12/10/08). OHV travel on unpaved county and NFS roads is legal.

The Deputy Commissioner of the California Highway Patrol sent a clarifying letter to the R5 Regional Forester on December 19, 2007, which said in part:

“We are not familiar with all the ML 3 Forest Service roadways, but if they are gravel or other dirt or unpaved roads that have been operating as mixed use roadways for years, it is our belief these roads would fall under the “roughly graded trails and roads upon which vehicular travel by the public is permitted” portion of Section 38001 VC and would, therefore, be eligible for your mixed-use definition.” (Underline added for emphasis.)

FS maintenance levels are irrelevant to the CHP and the public. The most distinguishing characteristic of a road is its surface composition. Is it paved or not? Unpaved NFS roads are not “highways” under the CVC.

ROC understands the FS definition of maintenance level (ML) 3, 4, and 5 roads as being passenger car roads. However, our interpretation of current FS Manual and Handbook direction is this: prudent drivers of standard passenger cars, in nearly all cases, stay on ML 5 (paved) roads. We believe all paved (asphalt, chip seal, etc.) roads should be ML 5 roads. Nearly all ML 3 and 4 NFS roads are unpaved.

Based on a traffic survey ROC did on 75 miles of ML 3-4 roads on the Lassen National Forest in 2005, we believe almost all traffic on NFS passenger car roads is high clearance vehicles (pick up trucks, sport utility and trail rated vehicles). It is a misnomer for the FS to continue to refer to unpaved ML 3-5 roads as “passenger car roads.” On the Lassen National Forest, only 10 percent of the use on ML 3-5 roads was actually passenger car. The rest were high clearance vehicles or non-highway legal vehicles. Please describe the vehicle classes using SRNF passenger car roads in your engineering analyses.

Most NFS passenger car roads are unpaved, single lane with design speeds less than 25 mph and low average daily traffic counts (Source: FS INFRA Roads). NFS passenger car roads provide important links to the SRNF’s maintenance level ML 2 road system and motorized trails. “Share the road” information, maps, speed limits, and/or road signs will greatly enhance visitor safety on all unpaved ML 3-5 roads designated for mixed use.

*Motorized Mixed Use Policy for the Pacific Southwest Region:*

The Region 5 motorized mixed use policy cites the CVC for prohibiting non-highway legal travel on ML 3-5 roads. However, agencies may propose “combined use” on highway segments if the procedures in Section 38026 CVC are followed and the CHP concurs. Since the Regional Forester says ML 3-5 roads are subject to the CVC, then the correct term to permit non-highway legal vehicles on NFS “highways” is “combined use”, not mixed use. If the Regional Forester accepted CHP’s interpretation that the CVC does not apply to unpaved ML 3-5 “roads”, then the correct term to permit non-highway legal vehicles on these roads is, indeed, mixed use. If a Forest Supervisor assumes supremacy over the CVC in the management of NFS passenger car roads, the correct term is also mixed use.

The Regional Forester’s policy will eliminate quality half-day or day long rides on 723 miles of ML 3-5 roads (or 31 percent of your total road system) by creating gaps in the current system of roads and motorized trails.<sup>4</sup> The Proposed Action is not consistent with the Purpose and Need section to: “Provide wheeled motorized access to dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.) Provide a diversity of wheeled motorized recreation opportunities (4x4 vehicles, motorcycles, ATVs, passenger vehicles, etc.).”<sup>5</sup> Many more miles of both system and unauthorized routes will need to be considered for designation and motorized mixed use (or combined use) in order to have an adequate range of alternatives.

*Engineering Analyses:*

ROC requests you consider an alternative that allows non-highway legal vehicles on all unpaved NFS passenger car roads unless a rare exception exists. Assume supremacy over these roads in accordance with 36 CFR 212.5(a)(1) and the response to public comments to the Travel Management Rule, which state:

“Under the current rule, traffic on roads is subject to State traffic laws where applicable, except when in conflict with the Forest Service’s prohibitions at 36 CFR part 261. If there is a conflict, the agency’s prohibitions preempt State traffic laws. To ensure that the

---

<sup>4</sup> Regional Office road mileage data from July 21, 2008.

<sup>5</sup> 2008 Scoping Document, SRNF Travel Management Project.

agency's intent with respect to designation of roads, trails, and areas is fully effectuated, the proposed and final rules also provide for preemption of State traffic laws when they conflict with those designations.”<sup>6</sup>

Per Forest Service national direction, an engineering analysis is required to assess the probability and severity of crashes on roads proposed for mixed use.<sup>7</sup> Where the criteria in FSH 7709.55, 30.3 are met, an engineering judgment may be prepared instead of an engineering report. These three criteria are:

“When all of the following conditions exist, a qualified engineer may document engineering judgment that an engineering report is not needed to designate a road for motorized mixed use:

- 1) The proposed designation is consistent with State and local law (*and it is for unpaved NFS roads regardless of maintenance level according to the CHP*).
- 2) The road being considered for designation currently has motorized mixed use.
- 3) There is no documented crash history involving motorized mixed use on the road or similar roads in the vicinity.”<sup>8</sup>

Explain why mitigations would not be effective if a road is not designated for motorized mixed use. Include the engineering reports and any mixed use accident reports in an appendix to the DEIS.

The Regional Forester's January 13, 2009 motorized mixed use letter of direction to the Forest Supervisors requires far more process steps than those found in national direction (FSH 7709.55, 30.3). The steps for reclassifying a ML 3 or 4 road to ML 2 are both time consuming and expensive. Proposing “combined use” designations on a ML 3-5 road requires conformance with Section 38026 CVC. The Forest Service does not have the staff or funds to conduct many of these analyses, which will prohibit non-highway legal vehicles on hundreds of miles of roads in the SRNF. We also doubt the CHP has the personnel or funds to review many of these analyses. Please follow the above criteria for preparing engineering analyses.

NFS road 02N12 and one other on the North Map (I can't see the road number) may be longer than the three mile limit allowed under Section 38026 CVC. If so, this means the SRNF intends to assume supremacy over the road to designate it for mixed use (the correct term here) assuming the Regional Forester's Team (RFT) concurs with the proposal. Isn't the RFT about 50+ people? We believe the Regional Forester's January 13<sup>th</sup> letter is doomed to fail the OHV community as not many mixed use or combined use proposals will be submitted.

ROC is concerned the FS has no standardized safety factors or criteria for assessing the probability of a crash or severity of a crash when you prepare engineering reports for motorized mixed use. Each forest is using its own factors such as ADT and traffic speed. This lack of consistency results in questionable mixed use analyses and conclusions. We have attached the benchmarks ROC used during their 2005 traffic

---

<sup>6</sup> Federal Register, Vol. 70, No. 216, Rules and Regulations, November 9, 2005.

<sup>7</sup> See EM-7700-30, “Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads.”

<sup>8</sup> FSH 7709.55, 30.3, #5

study and engineering analysis on the Lassen National Forest for your consideration (Exhibit 2).

ROC asserts the FS does not have enough mixed use accident data from Region 5 national forests to adopt a regional policy that prohibits motorized mixed use on thousands of miles of unpaved passenger car roads in California. Unpaved passenger car roads should be open to all vehicle classes unless an exception exists for some road segments due to public safety, past accidents, resource concerns, user conflicts or other considerations that can not be mitigated.

The FS should impose temporary road closures for certain vehicle classes (i.e. OHVs) when commercial traffic is present, such as log haul during timber sales. This is an appropriate mitigation measure for public safety.

ROC has reviewed and commented on several environmental documents for travel management from other Region 5 national forests. They state passenger car roads are subject to the Highway Safety Act (HSA). Roads subject to the HSA have to meet certain safety standards as defined in FSM 7733 and FSH 7709.59. The HSA, however, does not prevent the Forest Service from designating these roads for travel by non-highway legal vehicles. Please do not cite the HSA as a reason for prohibiting motorized mixed use on NFS roads on the Six Rivers National Forest.

## **6) Seasonal Restrictions.**

The Travel Management Rule allows the FS to adopt seasons of use and emergency closures. "Seasons of use" should also be considered for other NFS roads and trails when you develop your alternatives to prevent vehicle damage when road surfaces are wet and to reduce your road maintenance costs. However, wet weather closure plans should be based on weather-related criteria (rainfall, soil conditions, etc). ROC assumes any "season of use" for specific roads applies to everyone, including Forest Service vehicles. Please respond to that assumption in the DEIS.

## **7) Affordability Analysis and Road Maintenance Levels.**

The FSM states: "Consider maintenance and administrative obligations and capability in the context of future budgets and staffing. Administrative units and ranger districts should avoid adding routes to the forest transportation system unless there is adequate provision of their maintenance. Grants, agreements, and volunteers may be used to extend Forest Service resources"<sup>9</sup>.

In the DEIS and on the maps for each alternative, please display the miles of road by road maintenance level for each District. Include the annual cost/mile to maintain each ML. Describe the SRNF's deferred road maintenance cost. Provide information regarding the vehicle classes currently using District passenger car roads and the operational maintenance level of these roads. Explain the SRNF's rationale for maintaining the number of miles of ML 3-5 roads.

---

<sup>9</sup> Forest Service Manual 7715.03, Policy, #6.

Reducing operational road maintenance levels should be seriously considered to bring your road maintenance program in alignment with the SRNF's expected out year budgets. It makes little sense to maintain roads to a higher ML if passenger cars are a minor component of the traffic. ROC believes "prudent drivers in standard passenger cars" with P-rated tires almost always stay on paved roads. The primary vehicle class using the road should drive the assignment of objective road maintenance levels and not vice versa. As an option, temporarily raise the operational ML of a road to provide more economical commodity haul (or for some other management purpose), then lower the operational ML when the activity has ended. Consider converting some ML 2 roads with low use to motorized trails to further reduce your maintenance costs.

In the DEIS, please display the SRNF's projected annual road maintenance budget and annual road maintenance plan for the next three to five years following the criteria in FSM 7732.04c. Provide this information for each alternative.

When motorized mixed use is designated on a road in California, State OHV Trust Funds may be used to maintain the road. They will help reduce the SRNF's backlog of road maintenance if the FS chooses to apply for these grants. This is another reason for lowering your maintenance levels and allowing mixed use.

Please address the opportunity to use volunteers to maintain unauthorized roads and trails if they are designated. Describe your current OHV volunteer program and its potential to assist with the District's future road and trail maintenance through such programs as Adopt-a-Trail or Adopt-a-Road.

## **8) Parking and Dispersed Camping Off Roads.**

Describe whether big game retrieval, parking or dispersed camping off designated roads, trails or areas will be allowed. The NOI is silent on this, except to say access is proposed to dispersed campsites.

ROC recommends parking be permitted within 30 feet from any designated road, trail or open OHV area when it does not cause damage to national forest resources or facilities. This is consistent with the new FS travel management directives found in FSM 7716.1. Regulations in 36 CFR 261.15 allow FS officers to issue violation notices for damage to national forest resources. Monitor use and determine if this length needs to be modified in some areas.

ROC recommends continued access to all historically used dispersed campsites. At some campsites, please consider designating an area for vehicle parking to protect riparian areas, meadows or other sensitive resources.

ROC recommends other dispersed camping (separate from the historically used campsites) be permitted within 100 feet of a designated road, trail or OHV area when it is feasible to do so and does not cause damage to national forest resources or facilities. (Refer to FSM 7715.74 and FSM 7716.13.) Monitor impacts to see if access needs to be modified in some areas.

ROC also recommends the SRNF seasonally allow cross-country travel for the specific purpose of big game retrieval (barring any wet weather, fire-related or other off-road

closures already in place). See FSM 7715.74 and FSM 7716.13 for designations for big game retrieval. This is a reasonable accommodation to hunters. Vehicle operators causing damage to national forest resources can be cited.

## 9) Implementation of Mitigation Measures

Your *Guidelines for Development of Proposed Action* that accompanied the NOI states: “No routes will be designated on the Motorized Visitor Use Map until the mitigation is completed.”

Please describe in the DEIS what your plan and timeframe is to complete these mitigations. Otherwise, many miles of route may not show up on the MVUM for years. We note many routes need waterbars or have noxious weeds. Unless there is extreme erosion on the trail and hydrologic connectivity, we recommend you display those routes on the MVUM with your Record of Decision. Install the waterbars as quickly as you can – perhaps using OHV Trust funds. Also address whether volunteers can assist your staff with noxious weed eradication.

Again, thank you for the opportunity to submit ROC’s comments. I would appreciate a hard copy of the DEIS and all maps when it is issued.

Sincerely

*/s/ Sylvia Milligan*

SYLVIA MILLIGAN  
Chair, Recreation Outdoors Coalition

cc:

Gregg Mumm, BlueRibbon Coalition  
Don Amador, BlueRibbon Coalition  
Dave Pickett, American Motorcyclist Association  
Don Spuhler, Don Klusman, and John Stewart, California Association of 4 Wheel Drive Clubs, Inc.  
Amy Granat, California Off-road Vehicle Association  
Robert Reed, California League of Off Road Voters  
Fred Wiley, Off Road Business Association  
Tom Crimmins, National Off-highway Vehicle Conservation Council

Enclosures:

Exhibit 1 – ROC’s Proven Principles of Successful Travel Management Programs  
Exhibit 2 – ROC’s Traffic Engineer Shared Use Assessment Form, Lassen National Forest